



2002 Annual Report



Table of Contents

Introduction	1
Mission	1
Chairman’s Message	2
The Commissioners	3
How the Complaint System Works	5
Case Tracking Comparisons	6
The CPRC Review Process	8
Allegations and Findings	11
Community Outreach	16
Review of Officer-Involved Deaths	17
CPRC Budget	18
Trends and Patterns	19
Policy Recommendations	21
Appendix	23

2002 ANNUAL REPORT of the CITY OF RIVERSIDE COMMUNITY POLICE REVIEW COMMISSION

Introduction

This is the second annual report of the City of Riverside Community Police Review Commission. The Commission was created by city ordinance in April 2000. The original nine commissioners were selected by the City Council in the summer of 2000 and the Executive Director was hired on November 1, 2000. Setting up and organizing the Commission office and training the commissioners consumed much of the first five months and the Commission reviewed its first case in April 2001.

This report seeks to provide more than just the numbers of complaints reviewed. This initial report establishes a benchmark from which future comparisons can be made regarding the Commission's work. What the report will not do is draw conclusions from the data provided. That task is better left to police managers, city policy makers, and the citizens of Riverside.

Mission

The Community Police Review Commission was created in order to promote public confidence in the professionalism and accountability of the sworn staff of the Riverside Police Department. This is done by independently reviewing citizen complaint investigations, recommending changes in departmental policy, on-going public outreach and, when deemed appropriate by the Commission or Executive Director, conducting an independent investigation of citizen complaints.

Chairman's Message

by Jack Brewer

The Community Police Review Commission has completed its second year of operation. There have been a few changes in the membership of the Commission this year. The new members have learned the purpose and goals of the Commission quickly and have added strength and insight to the CPRC.

We have found that a great deal of time has been required to properly review the cases and then prepare a recommendation to the City Manager. The Commission takes each case seriously, knowing that they are representing the public, but at the same time they have to protect the rights of the sworn officers.

There were two major incidents in 2002 in which Riverside officers used deadly force. Independent investigations are currently being conducted by investigators employed by the CPRC.

I would like to thank the other commissioners for their efforts, which made the position of chairman much easier. I would be remiss if I didn't also mention the help and encouragement received from the Executive Director and his administrative assistant.

I believe the Commission has matured in the past year and is doing a commendable job at carrying out the mandate of the City Ordinance.


Jack Brewer, Chairperson
Community Police Review Commission

THE COMMISSIONERS

The following is a short biographical sketch of each of the current commissioners. Their first terms were staggered so that each succeeding year three commissioners would be up for reappointment. While the initial terms were two, three, and four years long, each subsequent term is for four years. Commissioners can serve two consecutive terms.

Jack Brewer is a 33-year resident of Riverside and retired after 32 years with the California Alcoholic Beverage Commission (ABC). He is a past President of the Riverside County Law Enforcement Administrators Association, past-President of the California State Investigators Association and has served as an officer with a number of other law enforcement associations and is a life member of the California Peace Officers Association. He was elected as the Community Police Review Commission's first vice-chairman. Prior to ABC, he served on several police departments and has been involved in law enforcement since 1955. **Term expires in March 2004.**

Les Davidson is a 28-year resident of Riverside and a resident of the Inland Empire for over 37 years. After working as a police officer in the City of Redlands, he became a licensed private investigator in 1971 and worked directly with the legal community in private investigations. Recognizing the need for expertise in corporate security, he went on to found USAFACT, Inc. His company employs over 60 people, making it one of the largest background screening and drug testing companies in the country. Les is a Certified Fraud Examiner and works as a private industry security consultant with numerous Fortune 500 companies. **Term expires in March 2006.**

Bill Floyd is a 20-year resident of Riverside and is a partner in the law firm of Best, Best and Krieger. He previously served on the City of Riverside Personnel Board and was chair of Best, Best and Krieger's Labor and Employment Law Department. Currently, he is an Inland Empire Board Member of the Legislative Task Force for the Employers Group and a member of the Ethics Committee of the Visiting Nurse Association of the Inland Counties. **Term expires in March 2003.***

Bob Garcia is a 43-year resident of Riverside. He was a member of the Human Relations Commission and its Law Enforcement Policy Advisory Committee, Casa Blanca Community Action Group and the Casa Blanca Youth Accountability Board, Park Advisory Committee, and Fiesta Committee at Villegas Park. **Term expires in March 2003.***

Mike Gardner is a 32-year resident of Riverside. He is retired from Southern California Edison with 23 years of service and has kept busy since his retirement by volunteering his time for a number of worthy causes and associations. Included in those volunteer activities are the Riverside City Fire Department's Disaster Preparedness Committee, Riverside Area Fire Buffs Association, and Riverside Live Steamers. In 2000, Mike was named Municipal Volunteer of the Year. **Term expires in March 2006.**

Dr. Bill Hendrick is a 13-year resident of Riverside. He is the Director of Pupil Services for the Riverside Unified School District. He is a member of the Blue Ribbon Task Force on School Violence, Past President of the California Association of Pupil Personnel Administrators, and was on the Riverside County Sheriff's Gang Violence Suppression Committee, Riverside County Board of Supervisors Drug Suppression Advisory Committee, Past President of the Riverside County Drug Free Schools Consortium, and Riverside County Medical Association's Student Health Committee. **Term expires in March 2003.***

Bill Howe is a 41-year resident of Riverside. He retired as the Chief of Police for the University of California, Riverside. Prior to that, he was a Lieutenant with the Corona Police Department and a Deputy, then Sergeant, with the Riverside Sheriff's Department. In all, he has 25 years of law enforcement experience. Additionally, he is a retired Lieutenant Colonel in the United States Air Force Reserve. He is a Past President of the Corona Host Lions Club, Past Vice-Chairman, Inland Counties Chapter March of Dimes, Past President Riverside JayCees' Toastmasters Club 130, and Past President of the Riverside County Law Enforcement Administrators Association. Bill was elected as the Community Police Review Commission's first chairman. **Term expires in March 2004.**

Gloria Huerta is a 25-year resident of Riverside. She is the E.M.S. Training Coordinator for the Riverside County Fire Department and also works as a nurse practitioner in Riverside. She is a member of the California Fire Chiefs' Association, California State Firefighters' Association, Sigma Theta Tau, American Association of Critical Care Nurses, and California Coalition of Nurse Practitioners. **Term expires in March 2004.**

Jim Ward is a 43-year resident of Riverside. Working for the State of California Department of Corrections for over 20 years, he was a Correctional Counselor when he retired in 1985. He has attended Loma Linda University and Riverside Community College, successfully completing over 30 classes related to Correctional Science. **Term expires in March 2006.**

Bill O'Meara is a 17-year resident of Riverside. He served in the Marines in the '60's and is retired from the Orange County Sheriff Department. He is a certified Alcohol and Drug counselor and worked as such in two state prisons, California Rehabilitation Center and Chino. He works part time as an anger management and drug counselor at several group homes for high-risk minors. He is a member of the Riverside Youth Accountability Board. He also facilitates a recovery program and marriage program through his church. He is a past member of "TIP", (Trauma Intervention Program) and Project Michael. **Alternate Commissioner**

***Council has approved reappointment. Term expires in March 2007.**

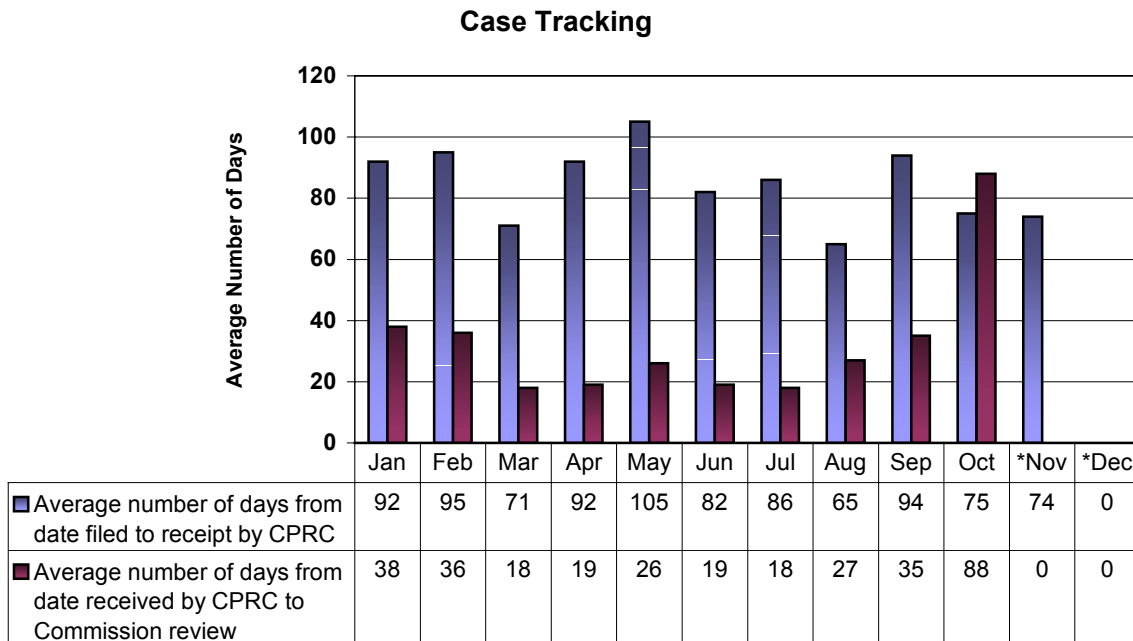
HOW THE COMPLAINT SYSTEM WORKS

The complaint process is activated when someone files a complaint against a member of the Riverside Police Department. While the Internal Affairs Unit or their designee investigates all complaints, the Community Police Review Commission (CPRC.) will review only those complaints filed against sworn personnel and that are filed within six months of the incident that gave rise to the complaint.

Typically, all a person has to do to file a complaint is to contact the Riverside Police Department by phone or contact a member of the Department in person. If a complainant is uncomfortable going directly to the Department or a Department member, they may contact the CPRC. Either way, the complaint is logged in at both the Internal Affairs Unit and the CPRC and the tracking process begins.

The Internal Affairs Unit categorizes the complaint as Class I (usually the most serious complaints) or Class II. They are then assigned to an investigator. The sergeants in the Internal Affairs Unit handle all Class I complaints and a few Class II. The vast majorities of complaints investigated by the Department are Class II and are investigated by supervisors in the Field Operations or Investigations Divisions.

After the investigation is complete, the investigator's lieutenant, captain and deputy chief review it. Following that the captain of the Personnel Services Division and the lieutenant over the Internal Affairs Unit conduct a final department review. After the Department completes its administrative procedures, the case is then sent to the CPRC for review.



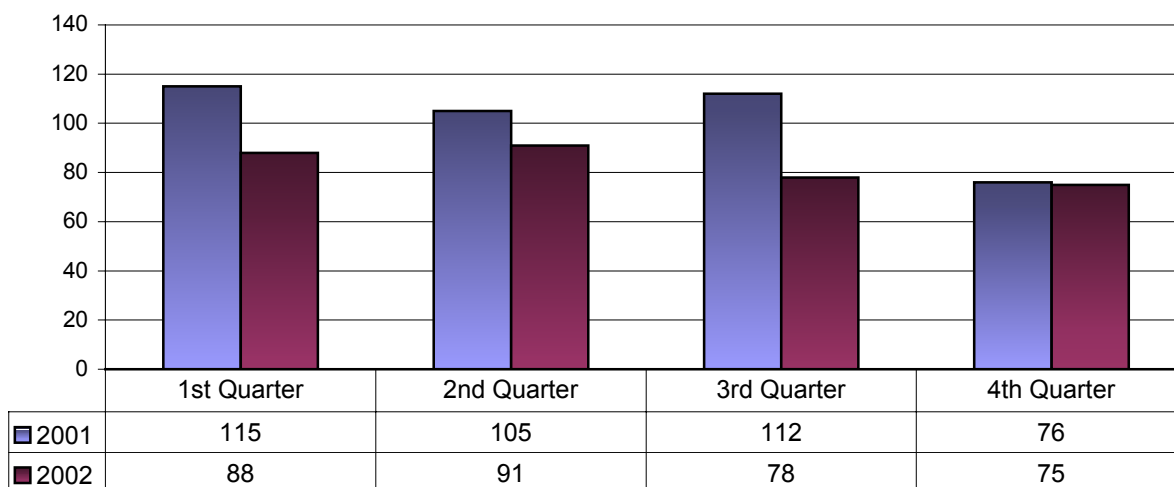
* Case review was deferred in November and December while concerns raised by the RPOA (Riverside Police Officers' Association) were evaluated.

CASE TRACKING COMPARISONS

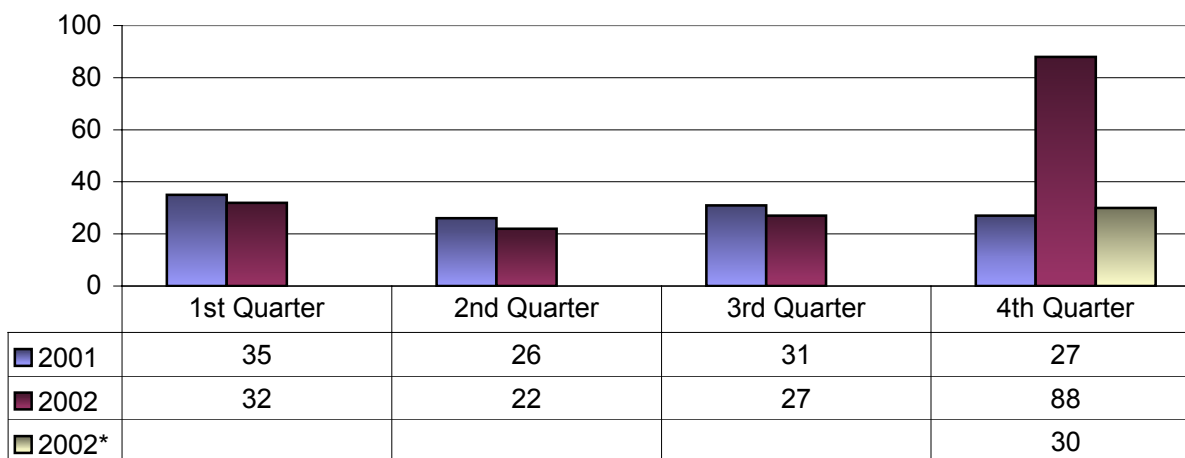
In November 2000, a Riverside police officer and a concerned citizen brought to the Commission's attention concerns about the length of time it took to complete Internal Affairs investigations. When the Commission became operational in January 2001, a case tracking mechanism was instituted. In March 2001 the CPRC began generating and forwarding monthly reports to the Police Chief. The Police Chief instituted changes to address the problem and the effect of those changes can be seen on the comparison charts on the following page.

Riverside Police Department Policy and Procedure 4.12 D 5 & 6 was rewritten and established new goals for the completion of Class I and Class II investigations. Class I investigations should be completed within sixty (60) calendar days plus five (5) calendar days to submit the investigation with the Memorandum of Finding to the Internal Affairs Unit. Class II investigations should be completed within thirty (30) calendar days plus five (5) days for the Division Commander to submit the report with the Memorandum of Finding to the Internal Affairs Unit.

**2001 / 2002 Comparison:
Average Number of Days from
Date Filed to Receipt by CPRC**



**2001 / 2002 Comparison:
Average Number of Days from Date Received from IA to
Date Reviewed by CPRC**



* Case review was deferred in November and December while concerns raised by the RPOA (Riverside Police Officers' Association) were evaluated.

THE CPRC REVIEW PROCESS

All cases are entered into the CPRC tracking system when they are filed. When the CPRC receives the investigative report, it is logged in and then reviewed for thoroughness by the Executive Director. The Riverside Police Department Conduct & Performance Manual, Section 10, Administrative Investigation, is the guideline for this review. After the Executive Director's review, the reports are placed on one of two monthly meeting agendas (Regular Monthly Meeting or Case Review Meeting) and a brief synopsis of the report is given to the commissioners. The commissioners come into the office and review the cases prior to the meetings and then, in the closed session portion of the meetings, deliberate and make a "Finding" on each allegation in each case. Along with the finding they issue a "Rationale" that describes their reasons for the finding. In addition to describing their reasoning, the commissioners also use the "Rationale" to inform the Police Chief and his subordinates when they have a particular policy issue or concern they want to address.

After the findings and rationales are given on each allegation in each case, the cases are sent to the City Manager who, after reviewing the findings of the Commission and the Police Department, issues the decision on behalf of the City. That decision, which may or may not concur with either set of recommendations, then becomes the City's position and all parties to the complaint are notified of the results. If the City's position contains a "Sustained" finding, the Police Chief, exclusively, determines what discipline to impose.

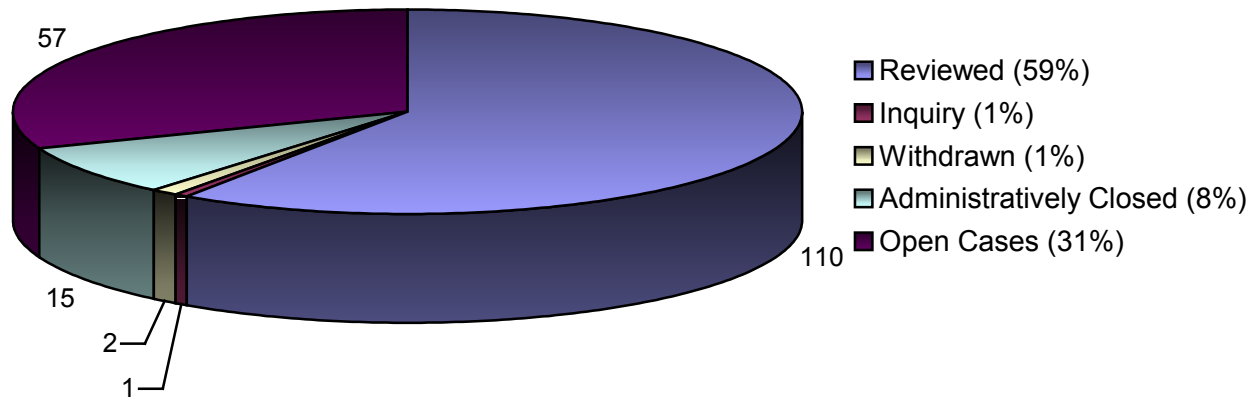
From January 1 to December 31, 2002, the Community Police Review Commission received 130 new cases. During that time period, the Commission reviewed 109 cases, which included several cases that were holdovers from 2001. At the close of 2002, there were 57 cases still in the investigative stage, and 17 were disposed of by other means.

Since January 1, 2001, when the Commission became operational, through December 31, 2002, a total of 313 cases were reviewed, which included 446 allegations. Of the 446 allegations reviewed, the RPD and CPRC made identical recommendations in 293 (64%). These statistics compare favorably to similar statistics from Knoxville, Tennessee, and Portland, Oregon.

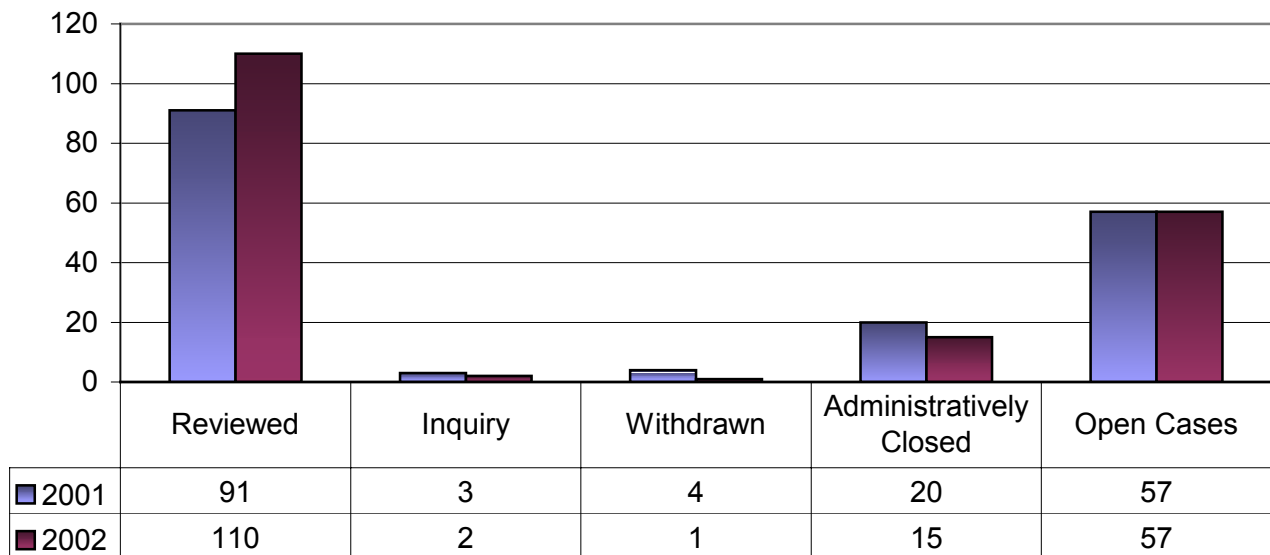
Of the 153 allegations where the recommendations of the RPD and CPRC differed, only 15 involved "Sustained" recommendations. The City Manager ruled that of those 15 "Sustained" recommendations, four should be upheld as "Sustained." The other 11 were downgraded or modified.

The following charts and graphs depict the activity relative to the cases.

2002 Caseload

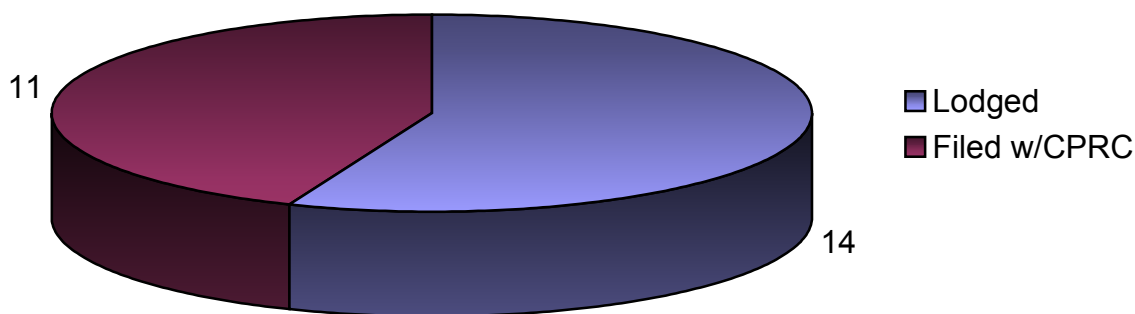


Caseload Comparison

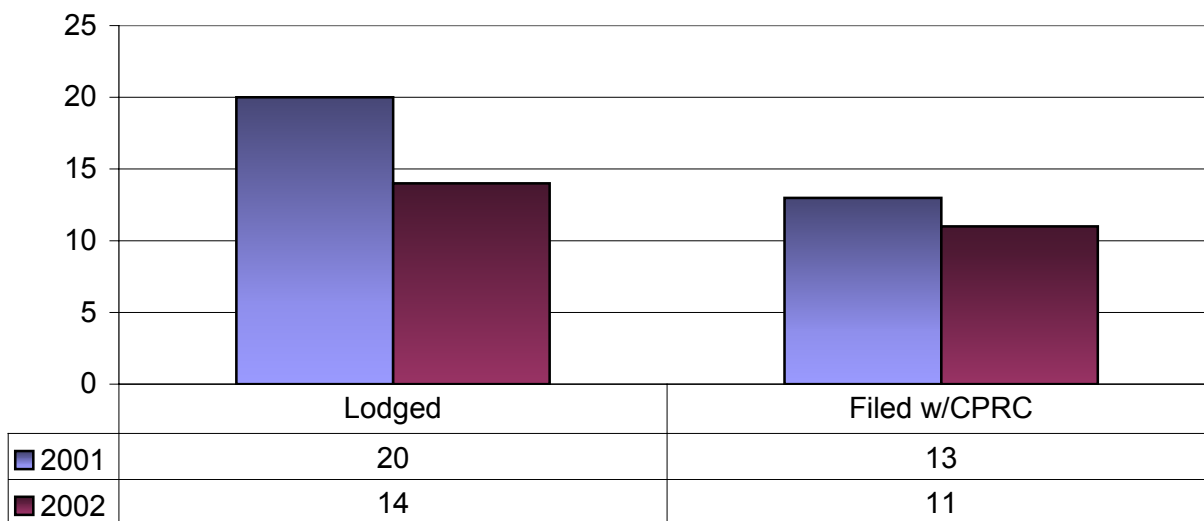


A case is considered “lodged” when a person notifies the CPRC that they wish to file a complaint. The case is not considered “filed” until the completed complaint form is received in the CPRC offices. There were 25 cases lodged with the Commission in 2002. Of those 25 cases, 11 were actually filed as complaints. In the other 14 cases, the complainants failed to return the completed forms.

Cases Lodged vs. Cases Lodged and Filed



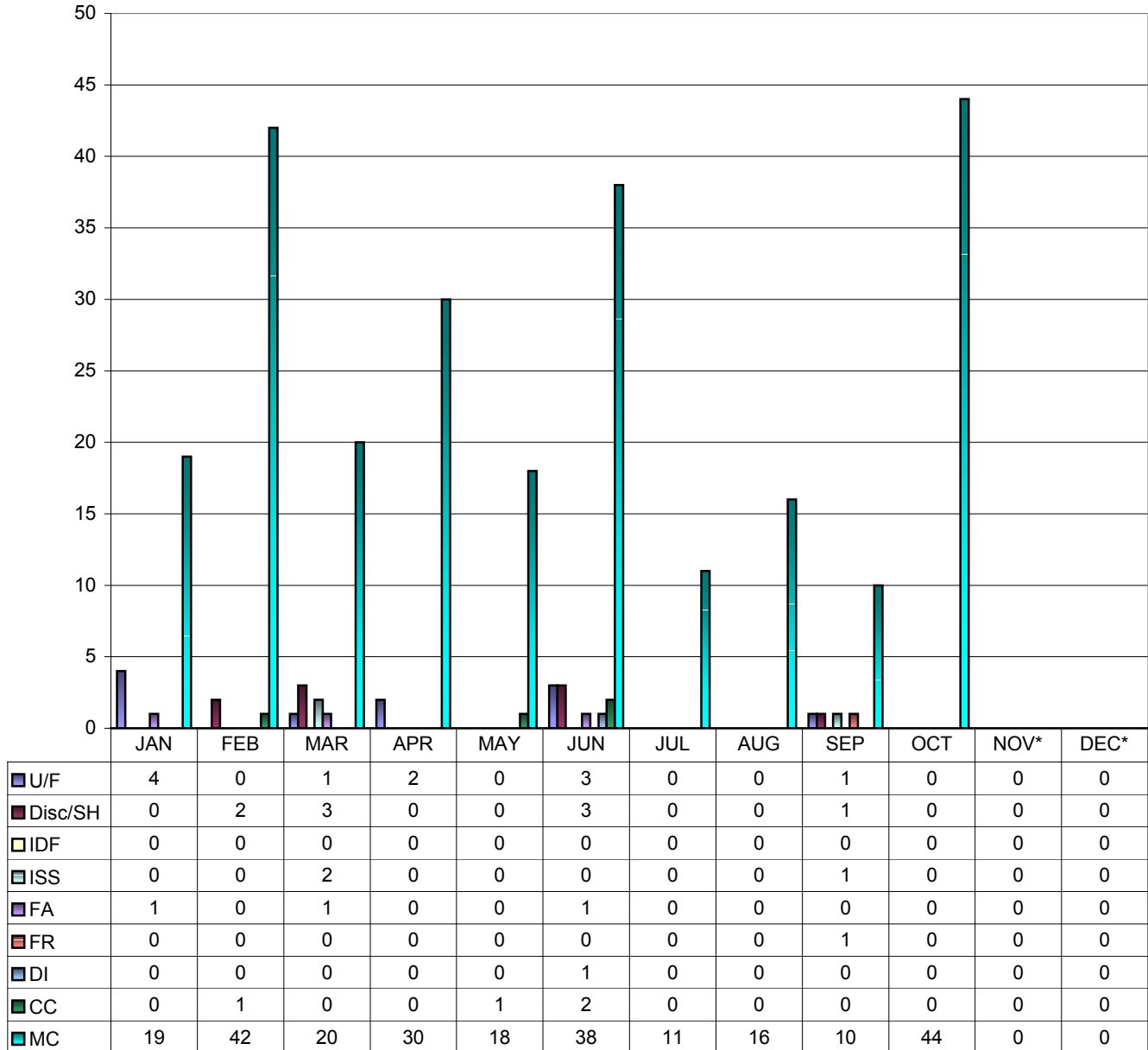
Cases Lodged vs. Cases Lodged and Filed: Comparison of 2001 - 2001



ALLEGATIONS AND FINDINGS

The following charts describe the types of allegations and their findings.

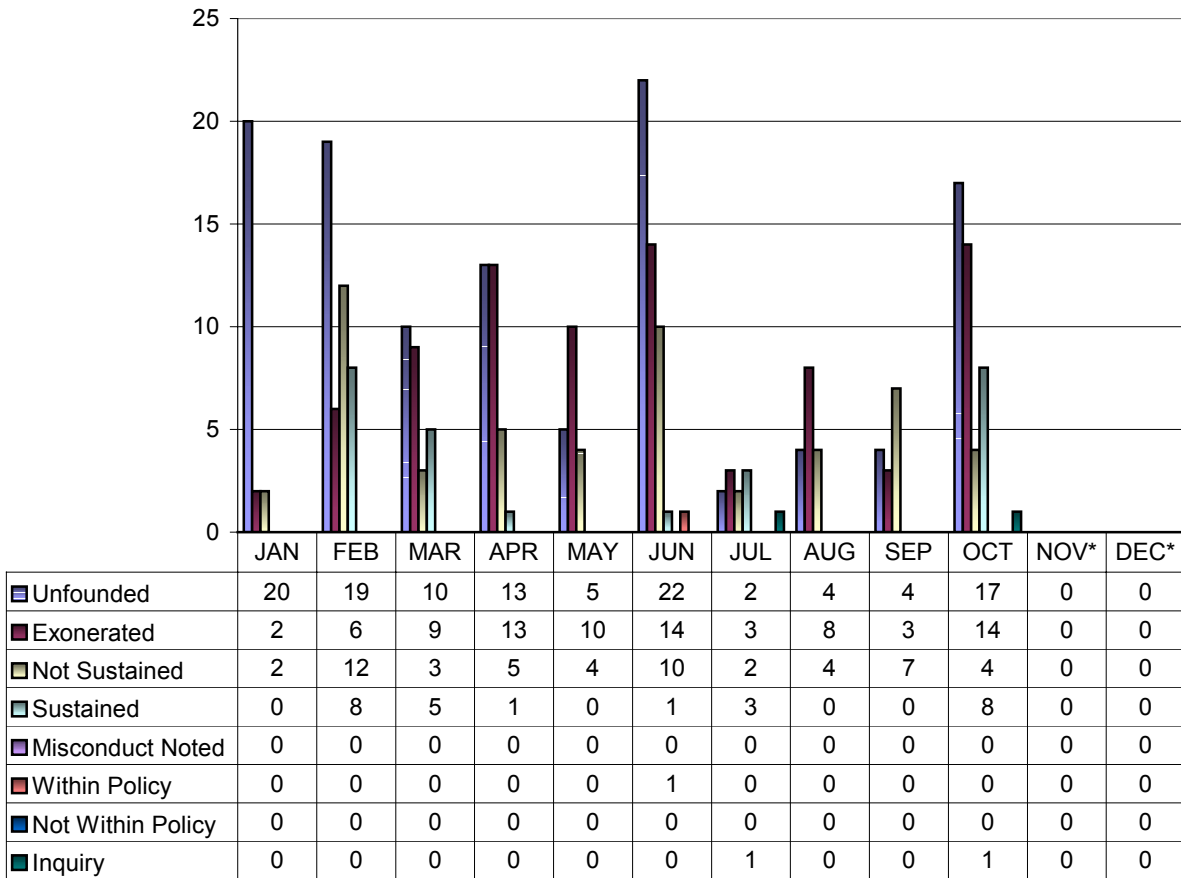
Allegations



U/F = Use of Force, **Disc/SH** = Discrimination/Sexual Harassment,
IDF = Improper Discharge of Firearms, **ISS** = Illegal Search or Seizure, **FA** = False Arrest,
FR = False Reporting, **CC** = Criminal Conduct, **MC** = Misconduct; **DI** = Death Investigation

* Case review was deferred in November and December while concerns raised by the RPOA (Riverside Police Officers' Association) were evaluated.

Findings



***The case review process was suspended in November and December due to previously noted procedural concerns.**

The findings are listed in RPD Policy & Procedure 4.12, Personnel Complaint Policy, Section B4.

Unfounded = The alleged act did not occur.

Exonerated = The alleged act occurred but was justified, legal and proper.

Not Sustained = The investigation produced insufficient information to prove or disprove the allegation.

Sustained = The Department member committed all or part of the alleged acts of misconduct or poor service.

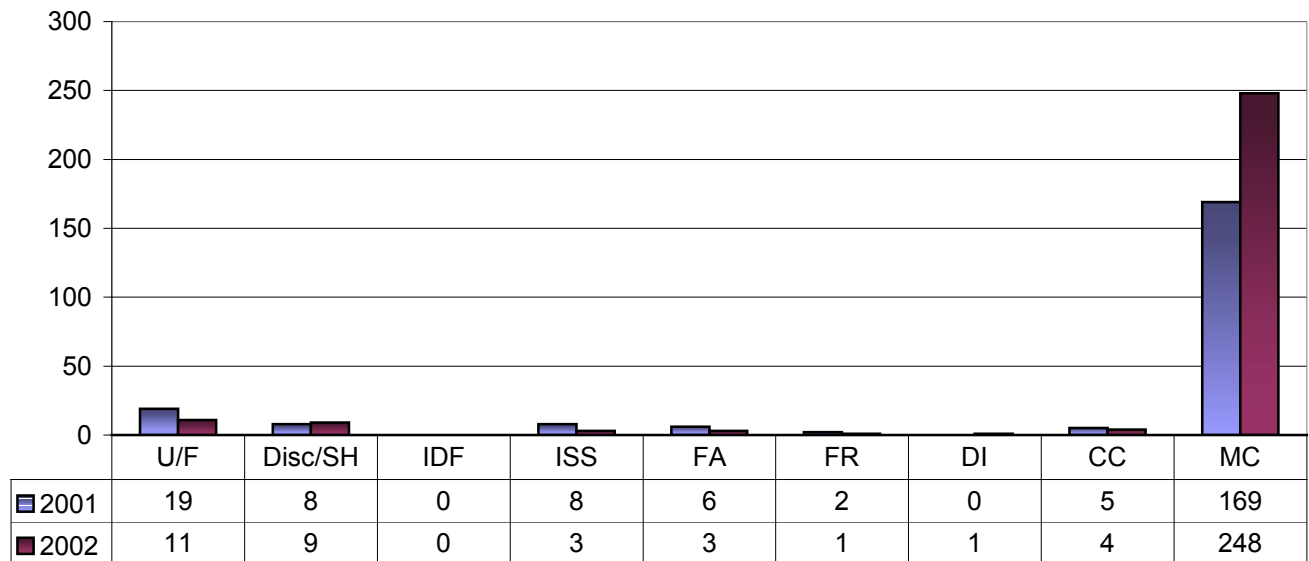
Misconduct Noted = The Department member violated a section of the Department Policies, Rules or Regulations not originally noted in the complaint.

Within / Not Within Policy = When reviewing an officer-involved death, the Commission makes a finding of "Within" or "Not Within" RPD policy.

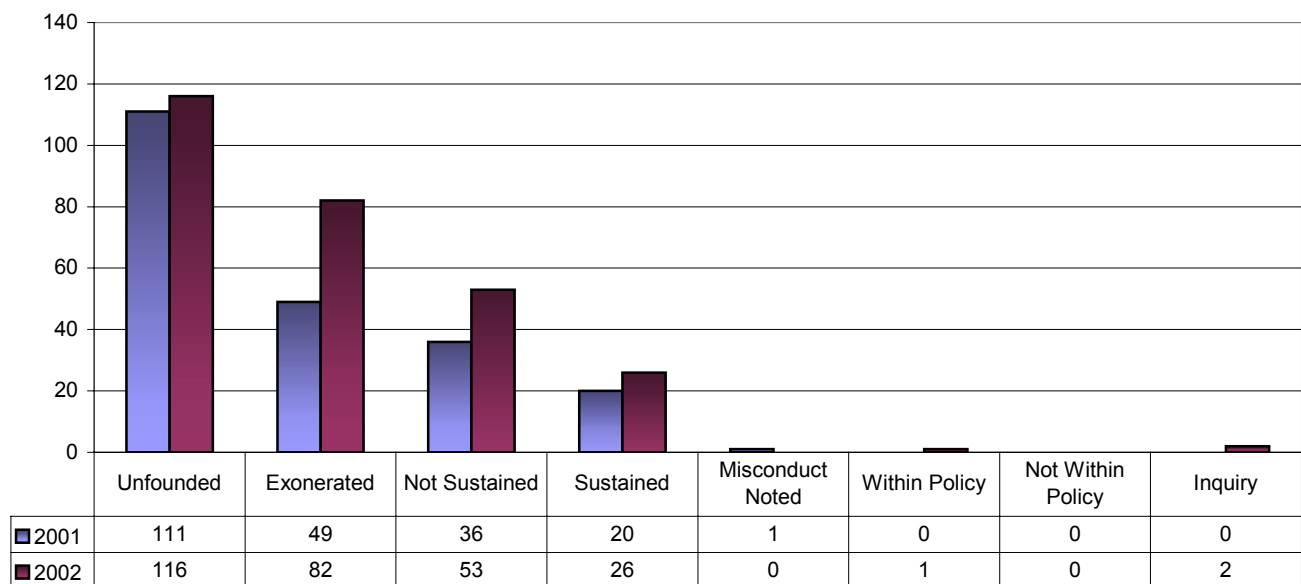
Inquiry = During the process of the investigation, it was determined that the member of the public was only requesting clarification of a policy or procedure.

The following charts show comparisons between 2001 and 2002 allegations and findings.

Allegations Comparison: 2001 - 2002

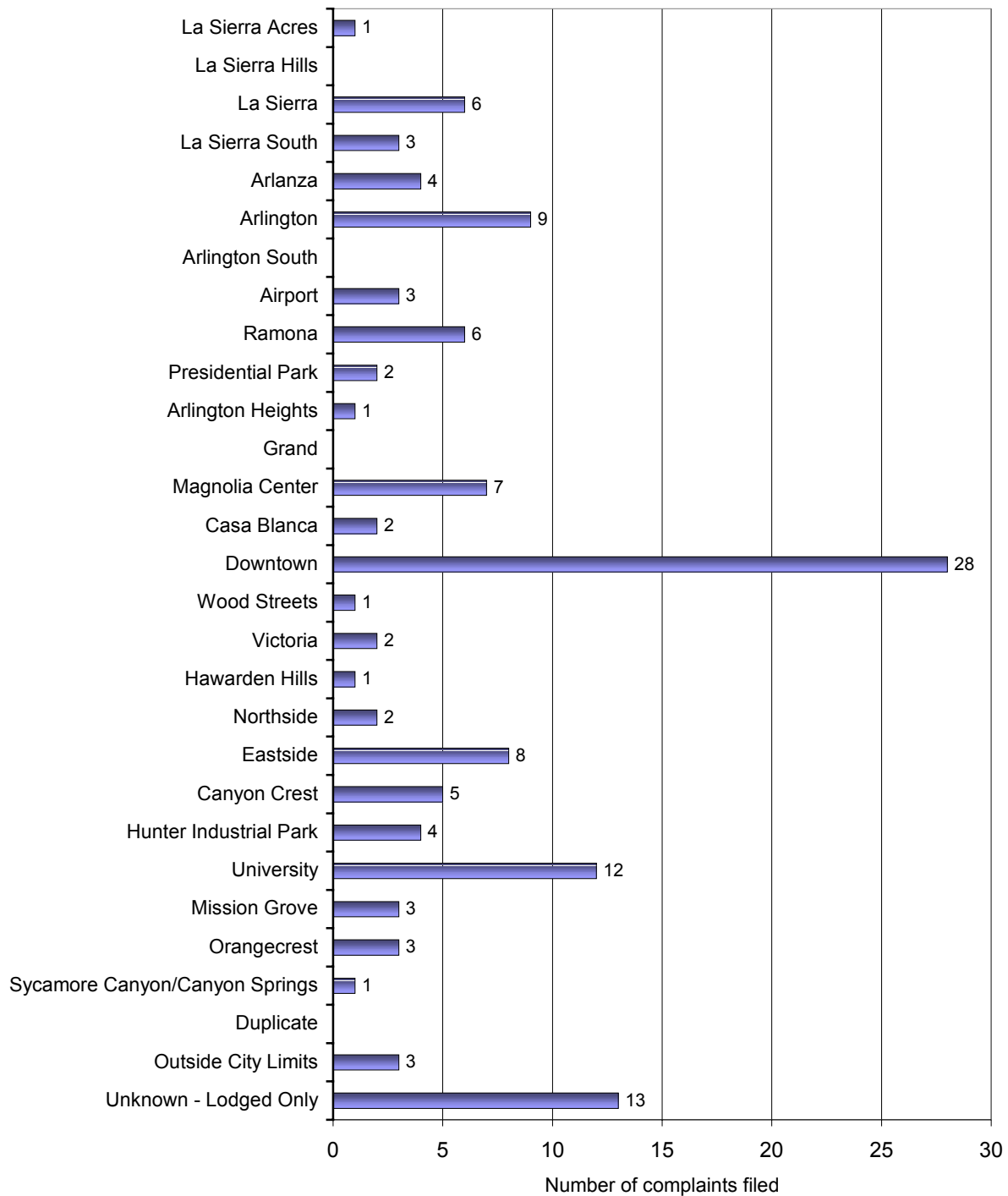


Findings Comparison: 2001 - 2002

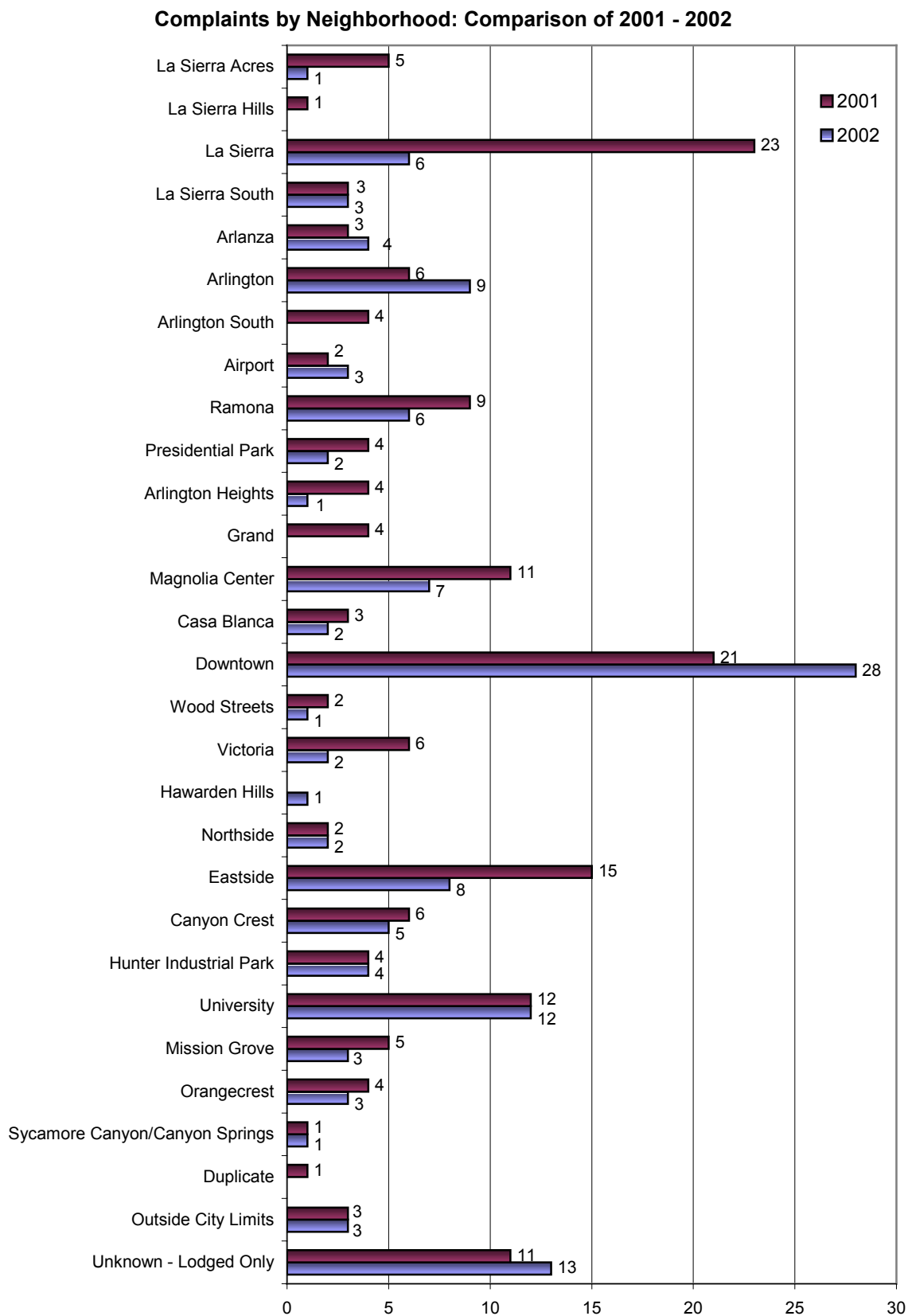


The following chart lists the neighborhoods where the alleged incidents of misconduct occurred in 2002.

Complaints by Neighborhood



This chart compares the cases per neighborhood from 2001 to 2002.

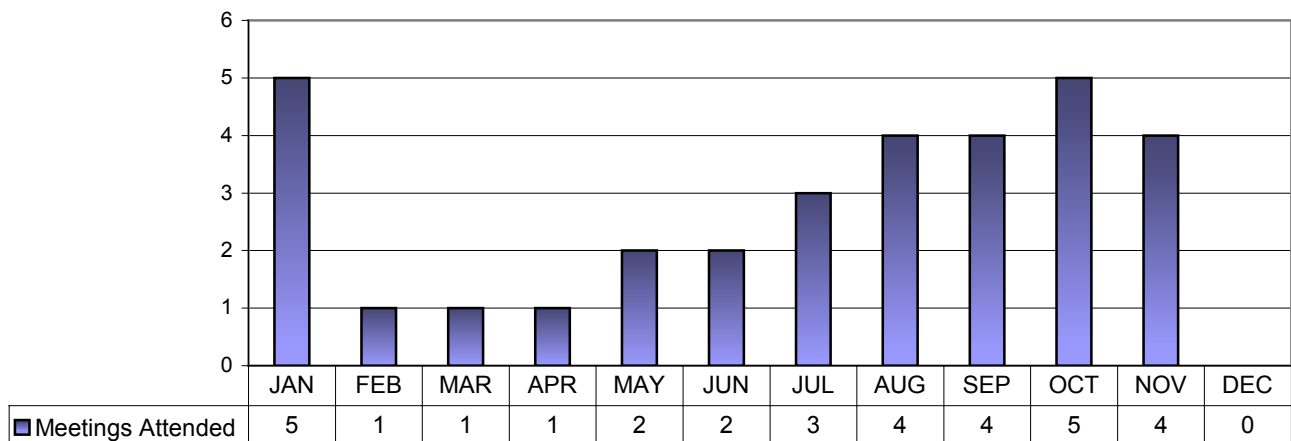


COMMUNITY OUTREACH

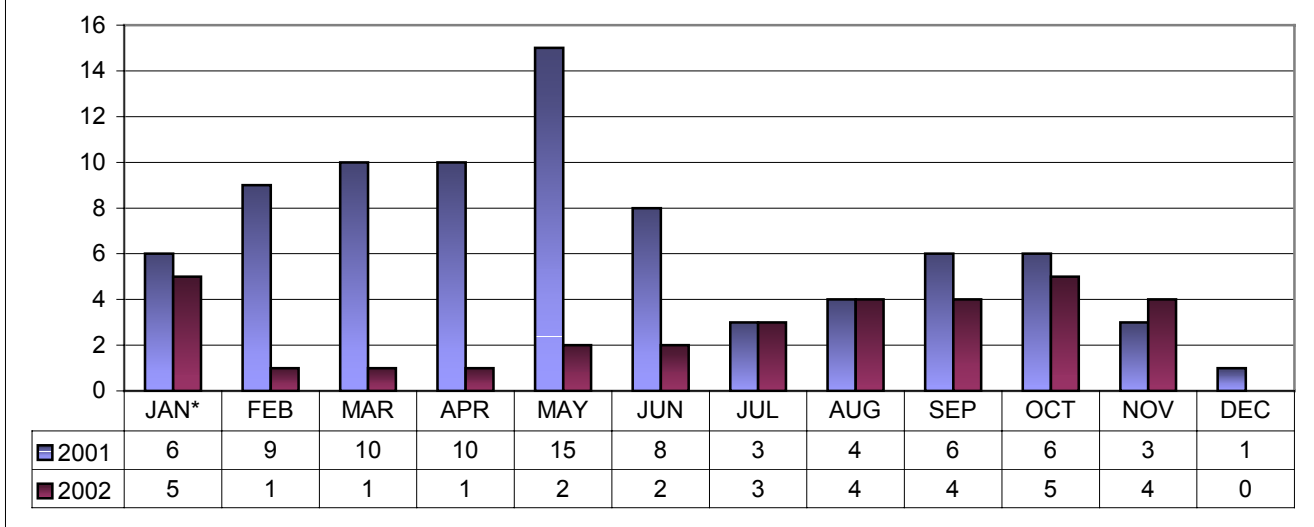
The Community Police Review Commission conducts public outreach using a number of forums. The Executive Director and commissioners attended a total of 32 meetings in 2002. The following chart shows a monthly breakdown of those meetings.

In addition to attending meetings, the Commission has a website (www.riverside-ca.org/cprc). Letters and pamphlets are also distributed in order to meet its outreach commitment.

Meetings Attended in 2002



Meetings Attended: Comparison of 2001 - 2002



*January '01 includes meetings attended in November and December 2000.

REVIEW OF OFFICER-INVOLVED DEATHS

Chapter 2.76, Section 2.76.050 Powers, Duties and Functions states: Powers, duties and functions of the Community Police Review Commission are as follows:

D. To review and investigate the death of any individual arising out of or in connection with actions of a sworn police officer, regardless of whether a complaint regarding such death has been filed.

Pursuant to this subsection, the Commission investigated and reviewed three officer-involved deaths. One death occurred in 2001 and was ruled "Justified" in 2002. The other two, which occurred in 2002, were still pending at year's end.

CPRC BUDGET

Description	2002 / 2003
Personnel	\$ 164,778
Non-Personnel	93,276
Equipment Outlay	0
<u>Charges from Others</u>	<u>28,278</u>
TOTAL	\$ 286,332

The 2002 / 2003 budget increased 10% over the 2001 / 2002 budget.

TRENDS AND PATTERNS

The Riverside Police Department has literally hundreds of citizen contacts each day. Some are brief. Some are long. Some, such as rendering assistance, are positive for the citizen and some, such as citations and arrests, are less positive. The low number of complaints per contact speaks well of the professionalism and character of the Department and its employees.

In the course of its case review duties, the Commission has detected three trends or patterns of officer behavior, which the commissioners believe should be focused on for improvement. This is not to say that all officers do any of these things on a regular basis. Rather, some officers sometimes do these things. The Commission believes that if the Department as a whole can work on these areas, community relations will be further enhanced.

Civility

As enunciated in the Chairman's report to the City Council in October 2002, the Commission has noticed that many complaints were initiated because of the way the complainants were treated by the officers. While the Commission believes that the treatment does not rise to the level of discourtesy, this perceived lack of civility often leads to complaints about the procedures used by the officers or other non-courtesy related allegations.

Additionally, the Commission feels that if officers were to offer an explanation when they intend to conduct a patdown search or offer an apology and explanation following a stop of the wrong person, they would go a long way toward improving community relations and avoiding complaints.

Patdown Searches

The commissioners have concerns about certain aspects regarding patdown searches performed by RPD officers. The concerns center on officers articulating their reasonable suspicion that the search was necessary, the follow-up questioning by supervisors conducting investigations and the training. Those concerns have been documented in detail and forwarded to the City Manager and Police Chief for their review.

Quality of Complaint Investigations

The Commission has noticed a marked increase in the quality of investigations and reports conducted by the Internal Affairs Division. However, substantial portions of the investigations conducted by field sergeants are neither thorough nor impartial. For instance they often ask leading questions such as, "You did that for officer safety reasons, correct?" rather than, "Why did you..." or "What did you do then?" Also, there is often a failure to ask, what seems to the Commission, obvious questions when interviewing complainants, witnesses and subject officers.

The Department has instituted a program of rotating field sergeants through Internal Affairs to increase knowledge and skill in conducting complaint investigations and report preparation. This will prove helpful, we think, in the long term, but more needs to be done to educate field sergeants in the short term. Complaint investigations need to be full, fair and impartial. The job of the investigator is not to vindicate the subject officer or the complainant, but to determine what actually happened and whether or not there was a violation of RPD policy.

Use of Technology

In April 2002, the Department implemented RPD Policy 4.60 regarding the use of audio recorders by police officers for all officer-initiated contacts. The recorded documentation has provided definitive information for many case reviews. The Commission has reviewed a few cases in which they would have had a clearer understanding of the situation encountered by the officer(s) had they made use of their audio recorder(s).

The ability for commissioners to review an audio recording of the actual interaction between the complainant and the officer(s) has vindicated officers on several occasions. The Commission believes that a broader use of audio recorders can provide clarity on all police-citizen contacts.

The anticipated installation and utilization of video recorders in police cars can only enhance the review process. The Commission hopes that video recordings will be available in 2003.

POLICY RECOMMENDATIONS

The following three recommendations were made to the Police Department in 2002. The reason for the recommendations and action taken are also given.

- 1. Background:** The Community Police Review Commission reviewed a case in which one of the officers involved was engaged in an ongoing Problem Oriented Policing (P.O.P.) project that he had initiated. While the officer's initiative was laudable, his tactics led to at least two citizen complaints and ultimately resulted in his supervisors having to take a more active role in his project. During the review of one of the complaint cases, the Commission found that the Department had nothing in writing on file regarding the project proposal and that the proposal was submitted by the officer in verbal form and any approval was verbal.

Recommendation(s):

- The Community Police Review Commission recommends that the Riverside Police Department adopt a policy whereby P.O.P. project proposals are submitted, in writing, and are given supervisory approval before being initiated. While the Commission leaves the elements of the proposal to the Department, the Commission suggests that the proposal include the following:
 - a. Reason for the proposed project
 - b. Goal of the project
 - c. Law or laws to be used in taking enforcement action
 - d. Tactics to be used
 - e. Length of project
 - f. Resources to be used (time away from other duties, manpower, overtime)
 - g. Projected cost
 - h. Community feedback (if applicable)

The Commission leaves to the Department the level of supervision required to approve the project. The Commission also believes that there should be a monitoring mechanism established and that there be a periodic reporting of the project's results, as defined by the Department.

Police Department Response:

A Field Operations Division order was developed and disseminated to memorialize the procedure for implementing and tracking Problem Oriented Policing projects.

- 2. Background:** As a result of an investigation into a citizen's complaint, it was found that officers, from time to time, meet one-on-one with members of the opposite sex for purposes of interviewing, taking photographs, or other official purposes. When officers meet one-on-one like that, they are exposed to accusations of misconduct that may or may not have occurred. While the Commission recognizes that one-on-one exchanges cannot always be avoided, it is believed that steps should be taken to remind officers to try and avoid placing themselves in a compromising position.

Recommendation:

- The Commission believes that the Department should modify all existing policies that pertain to interviewing victims or witnesses or photographing them to remind officers that, whenever possible, they should have another officer or a family member present to avoid being placed in a compromising situation. If modifying the policy and procedures to include this admonishment is deemed impractical, the Commission asks that the Department make the admonishment via roll call training or a training bulletin.

Police Department Response:

The Personnel and Training Division published a training bulleting reminding officers to exercise caution regarding this issue. The bulletin was discussed in detail by the Watch Commander during roll calls and by Bureau Commanders during staff meetings.

- 3. Background:** As a result of an investigation into a citizen's complaint, it was found that officers are not required to write a supplemental report when they make contact with a runaway and do not take the runaway into custody. In this particular case, the officer was advised that one of the juveniles he had just released was a runaway. When he went back to the release site, no one was there. He did contact his supervisor but he did not write a report, so investigators had no idea that the contact had been made, where the runaway was last seen and with whom the runaway had been seen.

Recommendation:

- The Commission recommends that the Police Department amend all applicable policies to require officers to write a report when they have information that relates to a runaway situation.

Police Department Response:

The Commission is waiting for a response from RPD as to whether or not this recommendation will be adopted.

Appendix

City of Riverside Ordinance No. 6516	Section A
CPRC By-Laws and Policies & Procedures	Section B
RPD Policy & Procedure 4.12	Section C
RPD Conduct & Performance Manual Section 10 – Administrative Investigation	Section D